



**IT IS ORDERED as set forth below:**

**Date: December 27, 2018**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

<b>IN RE:</b>	<b>: CHAPTER 13</b>
	<b>:</b>
<b>GWENDOLYN ANN PRUITT,</b>	<b>:</b>
<b>CHARLES MICHAEL PRUITT,</b>	<b>: CASE NO 17-41805-PWB</b>
<b>Debtors.</b>	<b>:</b>
<b>-----</b>	
<b>WILMINGTON SAVINGS FUND SOCIETY,</b>	<b>:</b>
<b>FSB, NOT IN ITS INDIVIDUAL CAPACITY</b>	<b>:</b>
<b>BUT SOLELY IN ITS CAPACITY AS</b>	<b>:</b>
<b>OWNER TRUSTEE OF MATAWIN</b>	<b>:</b>
<b>VENTURES TRUST SERIES 2018-1,</b>	<b>:</b>
	<b>:</b>
<b>Movant,</b>	<b>: CONTESTED MATTER</b>
<b>v.</b>	<b>:</b>
	<b>:</b>
<b>GWENDOLYN ANN PRUITT ,</b>	<b>:</b>
<b>CHARLES MICHAEL PRUITT,</b>	<b>:</b>
<b>MARY IDA TOWNSON, Trustee,</b>	<b>:</b>
<b>Respondents.</b>	<b>:</b>
	<b>:</b>

**CONSENT ORDER ON MOTION FOR RELIEF  
FROM AUTOMATIC STAY**

Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee of Matawin Ventures Trust Series 2018-1, for itself, its successors and assigns (the

“Movant”), filed a Motion for Relief from Automatic Stay (the “Motion”) November 21, 2018, which was set for hearing on **December 11, 2018** (the “Hearing”). Movant seeks relief as to Debtors` real property located in Bartow County, Georgia, now or formerly known as 22 SIOUX ROAD NE, CARTERSVILLE, GA 30121 (the “Property”), as more particularly described in Exhibit “B” attached to the Motion. Movant asserts that the Motion was properly served and hearing properly noticed. The parties reached an agreement as follows:

After deduction of an instantor payment (if applicable) and/or deduction of amounts to be added to the Plan (if applicable), Movant asserts that it is owed postpetition mortgage arrearages totaling \$3,723.76. This figure includes the following:

Description	FROM	TO	Quantity	Amount	Total
Missed Payment Group 1	03/01/2018	12/01/2018	10	\$449.36	\$4,493.60
Bankruptcy Fees and Costs			1	\$1,031.00	\$1,031.00
Suspense Balance Credit			1	\$-0.84	\$-0.84
Minus Instantor Payment due on: 12/14/2018			1	\$-1,800.00	\$-1,800.00

Debtors agreed to cure the arrearage of \$3,723.76 by making payments to Movant in the amount of \$620.63 for the next six (6) consecutive months, to be tendered in addition to the regular monthly mortgage payments on or before the 15th day of each month beginning in January 2019.

Beginning on **January 1, 2019**, Debtors shall pay Movant all future monthly mortgage payments when due. These payments as well as the cure payments shall be sent by check, money order, or certified funds to:

Kondaur Capital Corp.  
P.O. Box 1449  
Orange, CA 92856-1449

Accordingly, by consent, it is hereby

**ORDERED** that:

The ongoing mortgage payments and the payments necessary to cure the post-petition mortgage arrearage shall be governed by Strict Compliance provisions (identified below as the “Delinquency Motion” procedure).

Upon delinquency by Debtors in the payment of any sum specified herein for a period of twelve (12) months beginning in January, 2019, Movant may be permitted to recover and dispose of the Property pursuant to applicable state law only after submitting a Delinquency Motion (as more particularly described below) in the following manner:

(A) Counsel for Movant shall serve the Trustee, Debtors, and Debtors` counsel of record with written notice of the specific facts of the delinquency (the "**Delinquency Notice**"); said notice may be contained in a letter but shall

(1) state that Debtors may cure the delinquency within ten (10) calendar days of receipt of said notice, and

(2) provide the correct street address for mailing or delivering such payment; Pursuant to this Order, Debtors shall be presumed to have received the Delinquency Notice on the fifth (5th) calendar day following the mailing of said notice by Counsel for Movant; provided, however, that

(a) the Delinquency Notice is properly addressed to Debtors at the address set forth on the Distribution List attached to this Order pursuant to BLR 9013-3 NDGa, unless Movant or Counsel for Movant receives notice in writing of a change in Debtors` address within a reasonable time prior to mailing of the Delinquency Notice; and

(b) the Delinquency Notice is not returned to Counsel for Movant by the U.S. Postal Service as undeliverable by reason of improper address.

(B) If Debtors fail to cure the delinquency within ten (10) days of receipt of said written notice, Counsel for Movant may file, after service on both Debtors and Debtors` counsel:

- (1) **a motion**, which must contain allegations of the specific facts of the delinquency; provided, however, that, instead of alleging the facts of the delinquency in the motion (the averments of which are subject to Rule 9011), the motion may be accompanied by an affidavit **from Movant** setting forth the specific facts of the delinquency;
- (2) a copy of the **Delinquency Notice**; and
- (3) **a proposed order** (the motion, affidavit, copy of the Delinquency Notice and the proposed order are herein collectively referred to as the "**Delinquency Motion**").

Upon filing of said Delinquency Motion, the Court may enter an order modifying the automatic stay without further notice or hearing.

Upon entry of an order modifying the automatic stay, the Chapter 13 Trustee shall cease funding the Movant`s claim. Upon completion of any foreclosure sale by Movant, all proceeds exceeding Movant`s lawful debt shall be remitted promptly to the Chapter 13 Trustee.

**[END OF DOCUMENT]**

Prepared and Submitted by:

/s/ Lisa F. Caplan

Lisa F. Caplan  
GA State Bar No. 001304  
Rubin Lublin, LLC  
3145 Avalon Ridge Place, Suite 100  
Peachtree Corners, GA 30071  
(877) 813-0992  
lcaplan@rubinlublin.com  
Attorney for Creditor

Consented to by:

/s/ Brian R. Cahn, Esq.

Brian R. Cahn, Esq.  
GA State Bar No. 101965  
Brian R. Cahn and Associates, LLC  
5 S. Public Square  
Cartersville, GA 30120  
770-382-8900  
brc@perrottalaw.com  
Attorney for Debtors

No Opposition to by:

/s/ Brandi L. Kirkland

Brandi L. Kirkland  
GA State Bar No. 423627  
Attorney for Mary Ida Townson,  
Chapter 13 Trustee  
191 Peachtree Street, NE  
Suite 2200  
Atlanta, GA 30303  
(404) 525-1110  
orders@atlch13tt.com  
Attorney for Standing Chapter 13 Trustee

DISTRIBUTION LIST

Gwendolyn Ann Pruitt  
22 Sioux Rd NE  
Cartersville, GA 30121

Charles Michael Pruitt  
22 Sioux Rd NE  
Cartersville, GA 30121

Brian R. Cahn, Esq.  
Brian R. Cahn and Associates, LLC  
5 S. Public Square  
Cartersville, GA 30120

Mary Ida Townson, Trustee  
Chapter 13 Trustee  
191 Peachtree Street, NE  
Suite 2200  
Atlanta, GA 30303

Lisa F. Caplan, Esq.  
Rubin Lublin, LLC  
3145 Avalon Ridge Place, Suite 100  
Peachtree Corners, GA 30071